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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

D-1 JAMES FRAZEE,
D-2 PATRICIA PODGAJSKI,

Defendants.

Case:2:10-cr-20082

Judge: Lawson, David M.

MJ: Komives, Paul J

Filed: 02-18-2010 At 01:42 PM

INDI USA V. FRAZEE ET AL (DA)

VIOLATIONS:18 U.S.C. § 2251(a), 2

18 U.S.C. § 2252A(a)(5)(B)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

18 U.S.C. §2251(a) – Sexual Exploitation of Children
18 U.S.C. §2 – Aiding and Abetting

D-1 JAMES FRAZEE
D-2 PATRICIA PODGAJSKI

On numerous dates from 2003 through 2007, in the Eastern District of Michigan, Southern Division, defendant JAMES FRAZEE, while aided and abetted by PATRICIA PODGAJSKI, did knowingly employ, use, persuade, induce, entice and coerce V-1, a minor from the ages of 8 to 13 years old, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2)(A), specifically, acts of masturbation and the lascivious display of V-1's genitals and pubic area, for the purpose of producing visual depictions of such conduct, to-wit: photographs, knowing or having reason to know that such visual depictions would be transported in interstate or foreign commerce or mailed by any means, including computer, and such visual depiction was actually transported or transmitted using any means or facility of

interstate or foreign commerce, and such visual depictions having been produced using materials that have been mailed, shipped and transported in interstate or foreign commerce, all in violation of Title 18, United States Code, Sections 2251(a) and 2.

COUNT TWO

18 U.S.C. §2252A(a)(5)(B) – Possession of Child Pornography

D-1 JAMES FRAZEE

On or about January 22, 2010, in the Eastern District of Michigan, defendant JAMES FRAZEE, did knowingly possess one or more items, to-wit: a computer and computer media containing photographic images that depict child pornography, that is, visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which images involved the use of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(B)(I), and which visual depictions were of such conduct, all in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

Notice of Enhanced Sentence for Prior Conviction Involving Sexual Abuse

The defendant, JAMES FRAZEE, is hereby notified that he has a prior sex offense conviction. Specifically, defendant was sentenced in the 26th Judicial Circuit Court, Alpena County, on or about May 7, 1990 for Criminal Sexual Conduct, First Degree (Person Under 13), case number 89-003925-FC, a violation of M.C.L.A. §750.520(B)(1)(A), a felony offense which carries a penalty of life or any term of years. As a result, pursuant to 18 U.S.C. §§ 2251(e) and 2252A(b)(2), the statutory penalties for the following counts in the Indictment are:

- ▶ Count 1 – Sexual Exploitation of Children; 18 U.S.C. §2251(a), carries a statutory mandatory minimum of 25 years and a maximum penalty of 50 years in prison;
- ▶ Count 2 – Possession of Child Pornography; 18 U.S.C. § 2252A(a)(5), carries a mandatory minimum of 10 years and a maximum penalty of 20 years in prison;

Finally, Defendant's prior offense also constitutes a "prior sex conviction in which a minor was the victim," for purposes of 18 U.S.C. § 3559(e). Accordingly, if Defendant is convicted of Count 1 of the Indictment, the statutorily required punishment is life in prison.

THIS IS A TRUE BILL.

s/GRAND JURY FOREPERSON

BARBARA L. MCQUADE
UNITED STATES ATTORNEY

s/JOHN O'BRIEN (P39912)
Acting Chief, General Crimes Unit

s/JEANINE M. JONES (P55429)
Assistant United States Attorney

s/LOUIS GABEL
Assistant United States Attorney

United States District Court
Eastern District of Michigan

Criminal Case Co

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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to con

Reassignment/Recusal Information

This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information

Companion Case Number:

This may be a companion case based upon LCrR 57.10 (b)(4)¹:

Judge Assigned:

☐ Yes

☒ No

AUSA's Initials: JMJ 

Case Title: USA v. D-1 JAMES FRAZEE and D-2 PATRICIA PODGAJSKI

County where offense occurred : Monroe County

Check One:

☒ Felony

☐ Misdemeanor

☐ Petty

☐ Indictment/ ☐ Information --- no prior complaint.

☒ Indictment/ ☐ Information --- based upon prior complaint [Case number: 10-mj-30400]

☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____

Judge: _____

- ☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

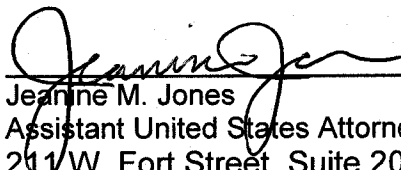
Defendant name

Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

February 18, 2010
Date


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 Assistant United States Attorney
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 Attorney Bar #: P55429

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.